



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (August 2017)**  
**(Implements RCW 34.05.310)**  
Do **NOT** use for expedited rule making

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**DATE: December 20, 2017**

**TIME: 8:54 AM**

**WSR 18-01-139**

**Agency:** Dept. of Agriculture

**Subject of possible rule making:** Chapter 16-604 WAC, Public livestock markets – health, facilities, and sanitation. The Department is considering amending chapter 16-604 of the Washington Administrative Code to require official USDA Radio-Frequency Identification device (RFID) on all sexually intact cattle and bison over eighteen months of age.

To align with federal requirements, the Department is also considering amending chapter 16-604 WAC to amend the requirement that markets must maintain records from one year to five years.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 16.36.040 and chapter 34.05 RCW.

**Reasons why rules on this subject may be needed and what they might accomplish:**

Current regulations require public livestock markets to officially identify all sexually intact cattle and bison over eighteen months of age with official individual identification prior to being presented for sale. The Washington State Department of Agriculture (WSDA) is proposing to move away from the required metal official individual identification tag and require RFID.

WSDA's intent is to provide free RFID tags as funding is available from the United States Department of Agriculture (USDA) cooperative agreements.

Animal disease traceability (ADT) is a state and federal program which sets standards for individual animal identification and data management for animal tracing, protecting animal agriculture, animal health, human health and the state's economy. Application of ADT principals supports a safe food supply, assists in the prevention of zoonotic diseases, allows marketing opportunities, and protects the state's livestock industry by making it possible to quickly identify, locate and contain animals exposed to or infected with disease.

The Washington State Department of Agriculture (WSDA) made a commitment to work with Washington's livestock industry and build a comprehensive and robust ADT system for animal agriculture in our state. WSDA has taken a number of proactive and necessary steps towards achieving the goal of a functional ADT system. WSDA currently has several programs which provide information for ADT, including green tags and electronic cattle transaction reporting (ECTR) for the dairy industry, health certificates, testing and vaccination records, and livestock inspection (brand certificates). While hot iron brand is a useful tool, relying on brand for individual animal disease traceability is not feasible as a brand does not provide individual animal identification. Currently the brand program is facing significant budgetary challenges which the agency is currently addressing through interim service reduction measures. The department remains committed to maintaining a strong brand program. In addition, database systems have been created to ensure all programs capturing ADT information are housed in the same data base (Animal Tracks). Outreach and education efforts were increased, and state policies modified -- all to support an ADT program.

The United States Department of Agriculture (USDA) has set expectations for WSDA to show continued progress on implementing a robust ADT program to include increasing the use of official RFID. To continue progressing ADT in the state of Washington capturing individual identification is imperative in tracing livestock and protecting our livestock industry. Capturing official identification remains a challenge as imprinted tag numbers can prove difficult to read and record accurately due to human error. Official Electronic Identification devices have proven to be a reliable, efficient and cost effective way to capture official identification for ADT.

U.S. beef exports to China must now meet specified requirements under the USDA Export Verification Program which includes traceability to the U.S. birth farm using a unique identifier, or if imported to the first place of residence or port of entry. A ban implemented by China after the 2003 case in Washington of mad cow, bovine spongiform encephalopathy, closed important global markets to U.S. cattle producers. Prior to 2003, the U.S. was China's largest supplier of imported beef, providing 70 percent of their total consumption.

The Department will continue to move ADT forward with a multi-phase approach and implementation, the first phase being this proposed rulemaking, with the end goal of having all cattle identified with RFID before leaving a Washington premises.

WSDA is proposing to align regulations with USDA regulations and USDA requires Public Livestock Markets to maintain records for five years.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The United States Department of Agriculture, Animal and Plant Health Inspection Services, Veterinary Services regulates intrastate movement of animals and animal disease traceability.

Department staff have been discussing this proposal and our federal partners support continuing to move animal disease traceability forward in Washington.

**Process for developing new rule (check all that apply):**

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

(If necessary)

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**Date:** December 20, 2017

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**Signature:**

